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SEP 05 2008

OFFICE OF PETITIONS

In re Patent No. 6,063,028 :
Issue Date: May 16, 2000 :
Application No. 09/045,734 :
Filed: March 20, 1998 :
Patentee(s): Joanne Sylvia Luciano :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed July 11, 2008, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 35 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of **\$400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above.

Applicant submitted a payment of \$465 for the first maintenance fee which was paid on February 14, 2005, instead of the second maintenance fee of \$1,180. Therefore, a payment of \$715 (\$1,180 - \$465) and the \$400 fee for a petition for reconsideration is required.

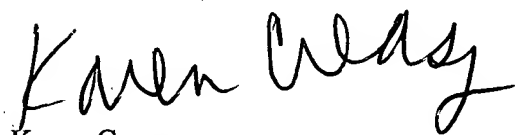
Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (703) 571-3208.

A handwritten signature in black ink, reading "Karen Creasy". The signature is written in a cursive, flowing style. The first name "Karen" is written in a larger, more prominent script, and the last name "Creasy" follows in a similar but slightly smaller script. The signature is positioned above the printed name and title.

Karen Creasy
Petitions Examiner
Office of Petitions